

IN RE: PETITION FOR SPECIAL HEARING
N & S Belmont Road, 1900' W
of Tufton Road
4th Election District
3rd Councilmanic District

James J. Ward, III
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-52-SPH

ORDER

WHEREAS, by Order of the Baltimore County Board of Appeals dated February 16, 1989, the above-captioned matter was remanded;

WHEREAS, by letter dated April 3, 1989, Petitioner advised the Deputy Zoning Commissioner of his intent to withdraw the Petition for Special Hearing filed in the subject matter;

WHEREAS, Petitioner failed to appear at the hearing scheduled for April 5, 1989;

IT IS ORDERED this 5th day of April, 1989 that the above-referenced matter be and is hereby DISMISSED with prejudice; and

IT IS FURTHER ORDERED the Order issued this 5th day of April, 1989 be forwarded to the County Board of Appeals.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

cc: James J. Ward, III
540 E. Belvedere Avenue
Baltimore, Md. 21212

C. Laurence Jenkins, Jr., Esquire
540 E. Belvedere Avenue, Suite 202
Baltimore, Md. 21212

G. Macy Nelson, Esquire
2000 N. Charles Street, Baltimore, Md. 21201

Ms. Lisa Kier, Executive Director
Valleys Planning Council, Inc.
P.O. Box 5402, Towson, Md. 21285-5402

Mr. Rick Zapf
10 Belmulet Court, Suite 302
Timonium, Md. 21093

Ms. Joan Spurrier
506 Baltimore Avenue, Towson, Md. 21204

Mr. John W. S. Foster, Jr.
12407 Garrison Forest Road
Owings Mills, Md. 21117
Baltimore County Board of Appeals

People's Counsel

File



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

February 16, 1989

C. Laurence Jenkins, Jr., Esquire
Suite 202, 540 E. Belvedere Avenue
Baltimore, MD 21212

RE: Case No. 89-52-SPH
James J. Ward, III

Dear Mr. Jenkins:

Enclosed is a copy of the Opinion and Order issued this date by the County Board of Appeals in the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Administrative Secretary

Encl.

cc: Mr. James J. Ward, III
Mr. Bernard Linsenmeyer
Alzmut Consultants
G. Macy Nelson, Esquire
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk - Zoning
Arnold Jablon, County Attorney
Mr. William P. Baker

MICROFILMED

IN THE MATTER OF
THE APPLICATION OF
JAMES J. WARD, III
FOR A SPECIAL HEARING ON PROPERTY
LOCATED ON THE NORTH AND SOUTH
SIDES OF BELMONT ROAD, 1900' WEST
OF TUFTON ROAD
4th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 89-52-SPH

OPINION

This case comes before this Board on appeal from a decision of the Deputy Zoning Commissioner denying Petitioner's request for a special hearing to allow a seven-lot subdivision of property known as Sagamore Farms.

Petitioner's Counsel opened the hearing by presenting for the Board's consideration an amended plat designating the request as being a six-lot subdivision versus the seven-lot subdivision heard by the Zoning Commissioner's Office. The Deputy Zoning Commissioner's ruling is very specific in its denial of the requested seven-lot subdivision. The Board is of the opinion that this amendment could be of significant importance. The lots in question are not what is normally thought of as being a lot but consist of significant acreage.

In consideration of these facts, the Board is of the opinion that the case should be remanded to the Zoning Commissioner for consideration of the Petition for Special Hearing to allow the now-proposed six-lot subdivision and will so order.

ORDER

It is therefore this 16th day of February, 1989 by the County Board of Appeals of Baltimore County ORDERED that Case No. 89-52-SPH be

MICROFILMED

Case No. 89-52-SPH
James J. Ward, III

REMANDED to the Zoning Commissioner for his consideration of the present proposal, i.e., being a six-lot subdivision; and

IT IS FURTHER ORDERED that the Board will retain jurisdiction of this case so that no new case need be developed; and

IT IS FURTHER ORDERED that the Zoning Commissioner be allowed sixty (60) days to reconsider the amended plan.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett, Chairman

Henry H. Lewis

Harry E. Bucheister, Jr.

IN RE: PETITION FOR SPECIAL HEARING
N & S Belmont Road, 1900' W
of Tufton Road
4th Election District
3rd Councilmanic District

James J. Ward, III
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-52-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Petitioner herein requests a special hearing for approval that a proposed six-lot subdivision will not be in conflict with Zoning Policy RSD-5 with regard to proposed Lot 4 of said subdivision.

Prior to the hearing, Petitioner filed an amended Petition for Special Hearing requesting approval that a proposed seven-lot subdivision, in lieu of the originally proposed six-lot subdivision, will not be in conflict with Zoning Policy RSD-5 with regard to proposed Lots 4 and 6 of said subdivision, as more particularly described in Petitioner's Exhibit 1.

Petitioner, by Bernard Linsenmeyer, a Land Planner Surveyor with Alzmut Consultants, appeared and testified. Petitioner was also represented by C. Laurence Jenkins, Jr., Esquire. Approximately 50 individuals identified as contiguous property owners or property owners in the vicinity of the subject property, and the Valleys Planning Council, by Lisa Kier, Executive Director, appeared as Protestants. All Protestants were represented by G. Macy Nelson, Esquire.

Protestants waived their right to the reposting of the subject property reflecting the amendment to the Petition for Special Hearing and by agreement of all parties the hearing proceeded.

Testimony indicated the subject property, known as Sagamore Farms, is located along and divided by Belmont Road off of Tufton Road in

the Greenspring Valley area and consists of 341 acres, of which 88 acres are zoned R.C. 4 and 253 acres are zoned R.C. 2. The plat for the property denotes it as "Sagamore Farms." For the purpose of this Findings of Fact and Conclusions of Law, "Sagamore Farms" will hereinafter refer solely to that portion of the subject property which the horse breeding operation is proposed to continue to be located. This is the area which is comprised of Lot 7; that is, all of the property other than that which Petitioner has requested to subdivide in Lots 1 through 6 (See Petitioner's Exhibit 1). Of the 341 total acres, approximately 182.5 acres lie north of Belmont Road, of which approximately 152 acres are zoned R.C. 2, and approximately 158.5 acres lie south of Belmont Road of which 101 acres are zoned R.C.2.

Mr. Linsenmeyer testified his firm had been retained by Petitioner to devise plans for the future development of the subject property. He indicated under the present zoning regulations, the Petitioner is permitted as of right to have seventeen density units in the R.C. 4 zone and five density units in the R.C. 2 zone. Petitioner's witness contended the proposal for developing the subject property, utilizes two density units in the R.C. 4 zone and five density units in the R.C. 2 zone.

Mr. Linsenmeyer declared Petitioner's reason for requesting permission to develop Lots 4 and 6 in this fashion is to make the lots as large as possible to give each homeowner more control over adjoining property. He further proffered Petitioner is desirous of preserving the historic and agricultural value of the area by leaving Sagamore Farms "in tact as much as possible." As a result, Sagamore Farms would consist of 191 acres. Mr. Linsenmeyer indicated that due to the topography of the subject property, Petitioner believes the proposed plan is appropriate.

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Testimony revealed the land to the north of Belmont Road, which consists of 182 acres, is mainly hillside and not as conducive to farming. Testimony by Protestants countered the land is presently productive grazing land.

Mr. Linsenmeyer testified a single-family house would be constructed on Lots 4 and 6 with the house being located in the R.C. 4 zoned portion while the balance of the property for each lot would be within the R.C. 2 zoned portion. Thus, Lot 4 will consist of 20 acres of which 8.4 acres would be zoned R.C. 4 with the remaining 11.6 acres zoned R.C. 2. Lot 6 would consist of 10 acres, of which 7 acres would be zoned R.C. 4 with the remaining 3 acres zoned R.C. 2. Mr. Linsenmeyer testified Lots 4 and 6, as well as Lots 1, 2, 3 and 5, would have a restriction in each deed or covenants regarding the property indicating each lot will be restricted to one house, therefore insuring that the subject property would have no greater density than presented. Petitioner feels this would guarantee the R.C. 2 zoned portions of Lots 4 and 6 would remain vacant.

Mr. Linsenmeyer's testimony consistently was based upon discussions he had with Petitioner and what Petitioner had indicated he intended to do with the property. One example pertained to conditions of sale to be imposed on the lots. Mr. Linsenmeyer introduced as Petitioner's Exhibit 2 a sheet of papers entitled Conditions of Sale, Sagamore Farms that listed, among other items, the following:

- "1) The property is to be deed restricted to one house.
- "2) The property is to be restricted under the Agricultural Program."

Petitioner's witness neither specified or presented any evidence as to the benefit of Lots 1 through 6 to the Agricultural Program. Upon cross exam-

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JAMES J. WARD, III
N & S Belmont Road
4th Election District
SPH-6 lot subdivision
Sagamore Farms

COUNTY BOARD
OF APPEALS
OF
BALTIMORE COUNTY

Case No. 89-52-SPH

WRIT OF SUMMONS

To: Jeremy Criss
2 Guinevere Court
Baltimore, Maryland 21237

You are hereby summoned to appear in person before the County Board of Appeals, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204 on Tuesday, February 14, 1989 at 10:00 a.m. to testify for the Petitioner in the subject Appeals case, whose attorney is C. Laurence Jenkins, Jr., Suite 135, Village Square One, 5100 Falls Road, Baltimore, Maryland, 21210.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the this Summons to Witness served on Jeremy Criss by the undersigned on February 1, 1989.

C. Laurence Jenkins, Jr.,
Suite 135, Village Square One
5100 Falls Road
Baltimore, Maryland 21210



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

December 2, 1988

G. Macy Nelson, Esquire
ANDERSON, COE & KING
Suite 2000
Central Savings Bank Building
201 N. Charles Street
Baltimore, MD 21201

RE: Case No. 89-52-SPH
James J. Ward III

Dear Mr. Nelson:

We are in receipt of your letter of December 1 regarding your address as indicated in the subject file.

Your correct address has been noted in our file. Also, in the event you did not receive the Notice of Assignment from this Board dated November 14, 1988, I have enclosed a copy of same.

Very truly yours,

Kathleen C. Weidenhammer
Administrative Secretary

Encl.

cc: C. Laurence Jenkins, Jr., Esquire
People's Counsel for Baltimore County

THIS DEED, Made this 10th day of April, 1996, by and between PATRICIA A. WARD, of the first part and PATRICIA A. WARD, of the second part.

WITNESSETH, That in consideration of the sum of Zero Dollars, the said PATRICIA A. WARD does grant and convey unto the said PATRICIA A. WARD, her personal representatives, successors and assigns, in fee simple, all that lot of ground, situate, lying and being in the Fourth Election District, Baltimore County, and described as follows, that is to say:

(SEE EXHIBIT "A" ATTACHED)

BEING and intending to comprise all of the lots of ground which were granted and conveyed by the following:

1) Deed dated January 30, 1996 from Patricia A. Ward to Patricia A. Ward and recorded among the Land Records of Baltimore County in Liber S.M. 11410, folio 616 containing approximately 161.423 acres of land, more or less, and being and intending to comprise the balance of Parcel 1 of Exhibit "A" attached thereto and made a part thereof.

2) Deed dated day of April, 1996 from Richard D. Maffezzoli and Mary C. Maffezzoli, his wife, to Patricia A. Ward and recorded among the Land Records aforesaid immediately prior hereto, containing 25.237 acres of land, more or less.

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

To Have and To Hold the said lot of ground and premises, to the said PATRICIA A. WARD, her personal representatives/successors and assigns, in fee simple.

And the said party of the first part hereby covenants that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that she will warrant specially the property granted and she will execute such further assurances of the same as may be requisite.

Witness the hand and seal of said grantor.

Witnesses:

PATRICIA A. WARD (SEAL)
RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE JZ DATE 4-18-96



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

April 20, 1989

C. Laurence Jenkins, Jr., Esquire
Suite 202, 540 E. Belvedere Avenue
Baltimore, MD 21212

RE: Case No. 89-52-SPH
James J. Ward, III

Dear Mr. Jenkins:

On February 16, 1989, this Board in open hearing remanded to the Baltimore County Zoning Commissioner Case No. 89-52-SPH in light of the fact that the original proposal was amended.

As evidenced by an Order from the Deputy Zoning Commissioner dated April 5, 1989, Petitioner has withdrawn his request in this matter. It is the Board's opinion that at this time no appeal exists and therefore this case will be closed.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

WTH:KWC

Attachment

cc: Mr. James J. Ward, III
G. Macy Nelson, Esquire
People's Counsel for Baltimore County
Mr. Bernard Linsenmeyer
Mr. William P. Baker
Ms. Jean Dewey
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
V Docket Clerk - Zoning
Arnold Jablon, County Attorney

MICROFILMED

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
N & S Side Belmont Rd., 1900' : OF BALTIMORE COUNTY
W Tufton Ave., 4th District
JAMES J. WARD, III, Petitioner : Case No. 89-52-SPH

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 14th day of July, 1988, a copy of the foregoing Entry of Appearance was mailed to Mr. James J. Ward, III, 540 E. Belvedere Ave., Baltimore, MD 21212, Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

MICROFILMED

IN RE: PETITION FOR SPECIAL HEARING : BEFORE THE
Belmont Avenue, N/W of Tufton : DEPUTY ZONING COMMISSIONER
Avenue and Butler Roads : OF BALTIMORE COUNTY
(Sagamore Farms) :
4th Election District : Case No. V94-323-SPH
3rd Councilmanic District :
Richard D. & Mary C. Maffezzoli, and
Patricia A. Ward - Owners

ORDER

WHEREAS, this matter came before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the Baltimore County Zoning Administration and Development Management (ZADM) office, Zoning Enforcement Division, seeking a determination as to whether there was an illegal subdivision of the subject property, split zoned R.C. 2 and R.C. 4; and,

WHEREAS, as a result of negotiations between the Office of Law and Counsel for the Petitioners, the matter has apparently been resolved; and,

WHEREAS, in a related Petition for Special Hearing in Case No. 96-169-SPH, the Petitioners were granted a lot line adjustment of 25.237 acres of the subject property for agricultural purposes, only, and thus, Counsel for both Baltimore County and the Petitioners have requested the matter in Case No. V94-323-SPH be dismissed as moot.

WHEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 28th day of February, 1996 that the Petition for Special Hearing seeking a determination as to whether there was an illegal subdivision of the subject property, split zoned R.C. 2 and R.C. 4, be and is hereby DISMISSED AS MOOT.

Timothy M. Rotoco
Timothy M. Rotoco
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

IN RE: PETITION FOR SPECIAL HEARING : BEFORE THE
Belmont Avenue, N/W of Tufton : DEPUTY ZONING COMMISSIONER
Avenue and Butler Roads : OF BALTIMORE COUNTY
(Sagamore Farms) : Case No. V94-323-SPH
4th Election District :
Councilmanic District :
Richard D. & Mary C. Maffezzoli, and
Patricia A. Ward - Owners

ORDER ON MOTION FOR RECONSIDERATION

WHEREAS, this matter came before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the Baltimore County Zoning Administration and Development Management (ZADM) office, Zoning Enforcement Division, for a determination as to whether there was an illegal subdivision of the subject property, split zoned R.C. 2 and R.C. 4; and,

WHEREAS, after numerous attempts to schedule this matter at a mutually convenient date and time, a hearing was scheduled on January 31, 1995, at which time, only representatives of Baltimore County appeared and testified; and,

WHEREAS, by letter dated February 7, 1995, Counsel for the Owners advised that a request for postponement of the January 31, 1995 hearing had been submitted in a timely manner, but was subsequently denied without sufficient notice to appear; and,

WHEREAS, Counsel for the Owners has requested that the case be reopened or continued to allow his clients an opportunity to present evidence and testimony to support their position in this matter; and,

WHEREAS, given the history of this case, the fact that this matter was recently reassigned to new Counsel for Baltimore County, and inasmuch as Counsel for the Petitioner does not object to a continued hearing on this matter,

Baltimore County Government
Office of Law

400 Washington Avenue
Towson, MD 21204

August 30, 1994

T. Rogers Harrison, Esquire
Madd, Harrison & Burch
105 West Chesapeake Avenue, Suite 300
Towson, Maryland 21204

Re: Richard D. and Mary C. Maffezzoli
Sagamore Farms (Patricia A. Ward)
Case No. V-94-323-SPH

Dear Tom:

Although I have no objection to settling this matter outside the hearing process, I wish to make it very clear that at no time did I ever say or represent that Mrs. Patricia A. Ward was absolved from actually attending and participating in any necessary hearing. If her participation is essential to these proceedings then respectfully she will have to appear. Your understanding that you and I believe that Mrs. Ward was exempted from the hearing is, with all respect, totally without any foundation. Indeed, if such an agreement were to have been made, it would have to have been in writing.

Your reservations however concerning the September 6, 1994 hearing are understandable and the matter ought to be postponed to a later date. I have also read your attached correspondence to Zoning Commission Larry Schmidt in which you request that service of process be effectuated on you as opposed to Patricia Ward as fee simple owner of Parcel No. 01. I will ask Jim Thompson to cause service of process to be issued on behalf of the Wards, including Patricia A. Ward, and be served on you on their behalf.

I will be in contact with you with respect to any proposed settlement of this matter.

Very truly yours,

Michael McMahon
Michael McMahon
Assistant County Attorney

MM:msm

cc: Larry Schmidt
Jim Thompson

Baltimore County Government
Office of Law
400 Washington Avenue
Towson, MD 21204
(410) 887-4420
Fax (410) 296-0931
October 24, 1994

T. Rogers Harrison, Esquire
Mudd, Harrison & Burch
105 West Chesapeake Avenue, Suite 300
Towson, Maryland 21204

Re: Richard D. and Mary C. Maffezzoli
Sagamore Farms (Patricia A. Ward)
Case No. V-94-323-SPH

Dear Tom:

This correspondence will confirm our meeting to be held in the DEPRM Conference Room, Fourth Floor, County Courts Building, 401 Bosley Avenue, Towson, Maryland 21204. The meeting is set for Friday, October 28, 1994, at 11:00 a.m., as per the schedule of dates provided.

It is, of course, essential that a meeting be held on the Sagamore Farms matter to avoid a reactivation of proceedings for enforcement purposes.

Your cooperation and attendance is appreciated.

Very truly yours,

Michael McMahon
Michael McMahon
Assistant County Attorney

McM:sm

cc: Wally Lippincott
Stanley Schapiro
Arnold Jablon (1105)
Kate Milton
Jim Thompson
Margaret Worrall

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OCT 25 1994
ZADM

MUDD, HARRISON & BURCH
ATTORNEYS AT LAW
105 WEST CHESAPEAKE AVENUE
SUITE 300
TOWSON, MARYLAND 21204
(410) 887-4420
FAX (410) 296-0931

FACSIMILE TRANSMISSION SHEET

DATE: 1/30/94
SENDING NUMBER: (410) 828-1042
RECEIVING NUMBER: 897-3468

PLEASE DELIVER THE FOLLOWING PAGES TO:

Mr. Lawrence Schmidt

FROM: Tom Harrison

TRANSMITTING 4 pages (including this sheet)

Attorney-Client Privileged: Yes No
Confidential: Yes No

This message and accompanying pages (if any) are intended only for the use of the individual to whom or entity to which this is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the address via the U.S. Postal Service. Thank you.

THE VALLEYS
PLANNING COUNCIL, INC.

212 Washington Avenue
P.O. Box 5402
Towson, Maryland 21285-5402
410-337-6877
410-296-5409 (FAX)

Mr. Michael McMahon
Assistant County Attorney
Baltimore County Office of Law
400 Washington Avenue
Towson, MD 21204

Re: Maffezzoli, et al.
Sagamore Farms
Case No. V-94-323-SPH

Dear Mr. McMahon:

Thank you for your letter of July 5, 1994, and the copy of the letter from T. Rogers Harrison, dated June 30, 1994, regarding a proposed solution for the illegal subdivision of a 81-acre parcel owned by Mr. Harrison's clients, Patricia A. Ward, Mary Maffezzoli and Richard Maffezzoli.

In essence, the Ward/Maffezzoli concept is that the 8-acre parcel and the 23-acre parcel, each improved with an existing residence, be re-combined into a single 31-acre parcel to be retained by Mrs. Ward. The remaining 50-acre parcel owned by the Maffezzolis would stand alone with the right to one density unit.

Noting the fact that I am not an attorney and speaking only in my capacity as executive director of The Valleys Planning Council, it is my opinion that this proposal does not resolve the illegal subdivision situation on this 81-acre parcel from James Ward, the owner at that time.

It is my understanding that the original tract of 181 acres may be subdivided into three parcels, none less than 50 acres in size. George Durrett, in separate transactions, has purchased two 50-acre parcels; Mr. & Mrs. Maffezzoli, in turn, purchased the remaining 81-acre tract.

As I understand the zoning, further subdivision is not permitted. Indeed, then owner, Mr. James Ward (prior to the subdivision of the 181 acres) petitioned the zoning commissioner

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JUL 7 1994
ZADM

THE VALLEYS
PLANNING COUNCIL, INC.

212 Washington Avenue
P.O. Box 5402
Towson, Maryland 21285-5402
410-337-6877
410-296-5409 (FAX)

November 2, 1994

Michael McMahon
Assistant County Attorney
Baltimore County Office of Law
400 Washington Avenue
Towson, Md. 21204

RE: Sagamore Farm
Case No. V-94-323-SPH

Dear Mike:

Thank you for setting up the meeting with T. Rogers Harrison, attorney for Richard & Mary Maffezzoli and Patricia A. Ward, Wallace Lippincott, DEPRM; and Kate Milton, ZADM, on Friday, October 28, 1994.

As a result of that meeting, it is my understanding that a letter will be forthcoming from Mr. Lippincott and Ms. Milton to Mr. Harrison, setting out the means by which the current illegal subdivision can be resolved.

In turn, Mr. Harrison has promised to discuss the resolution with his clients and respond in a timely fashion.

It is my hope that The Valleys Planning Council will be kept informed as these actions occur.

I wish to emphasize, as I stated in the October 28th meeting, that we believe the current subdivision to be illegal, and we will not find acceptable any resolution which creates additional density on the tract owned by Richard and Mary Maffezzoli; or on any of the tracts owned by Patricia A. Ward.

Thank you again for your attention to this longstanding problem.

Sincerely,
Margaret Worrall
Executive Director

cc: Arnold Jablon
Stanley Schapiro
Kate Milton
Wally Lippincott
Jim Thompson

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NOV 4 1994
ZADM

THE VALLEYS
PLANNING COUNCIL, INC.

212 Washington Avenue
P.O. Box 5402
Towson, Maryland 21285-5402
410-337-6877
410-296-5409 (FAX)

February 8, 1995

Michael J. McMahon, Esq.
Baltimore County Office of Law
400 Washington Avenue
Towson, MD 21204

Re: Sagamore Farm
Case No. V-94-323-SPH

Dear Mike:

The Valleys Planning Council is pleased with the progress made in the Sagamore Farms illegal subdivision matter, thanks to the efforts of yourself and Mr. Harrison. We are willing to consider the notion, described in the letter of January 30, 1995 from Mr. Harrison to Pat Keller, that the existing residential structure, now used by the Wards, and located on the 31 acre parcel north of Belmont Road, will be designated as receiving a RC-2 density unit from the parcel south of Belmont Road. Since this RC-2 density unit is in the form of a small lot which was excluded from the parcel when placed under easement by Mr. Ward in 1989, we are in fact agreeing that this small lot will be made legally unbuildable, after which its density unit will be assigned to the house in question. It is not acceptable to us, however, that this density unit should ever revert to the small lot in question once it has been assigned to the house referred to. To do so would be nothing more than legalizing the subdivision for Mr. Ward's greater convenience until he can find a suitable way to deal with the lots he has illegally created.

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FEB 13 1995
ZONING COMMISSIONER

THE VALLEYS
PLANNING COUNCIL, INC.

212 Washington Avenue
P.O. Box 5402
Towson, Maryland 21285-5402
410-337-6877
410-296-5409 (FAX)

March 17, 1995

Ms. Nancy West
Baltimore County Office of Law
400 Washington Ave.
Towson, MD 21204

Dear Ms. West:

Many thanks for your letter of the 8th regarding the Sagamore Farms illegal subdivision. I want to assure you that the Valleys Planning Council agrees completely with your viewpoint, namely, that there is no need to reopen the special hearing for further testimony. We feel strongly that Messrs. Ward and Harrison were afforded adequate and repeated notice of the hearing, and that additional testimony on their part would add nothing of substance to the case.

Sincerely,

John Bernstein
John Bernstein
Executive Director

cc: Margaret Worrall
Timothy Kotroco

MUDD, HARRISON & BURCH
ATTORNEYS AT LAW
105 WEST CHESAPEAKE AVENUE
SUITE 300
TOWSON, MARYLAND 21204
(410) 887-4420
FAX (410) 296-0931

August 30, 1994

Mr. Lawrence E. Schmidt
Zoning Commissioner
Baltimore County, Maryland
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
Case No. V-94-323-SPH
My Clients: Richard D. and Mary C. Maffezzoli

Dear Mr. Schmidt:

I received a telephone call recently from Norman Gerber who told me that as a result of a telephone conversation he had with Mike McMahon, he was informed that the above matter had been set in for a hearing on September 6, 1994. Unfortunately, neither I nor my clients nor anyone in my office ever received any notification that the hearing had been rescheduled to the September 6 date, if in fact it has. Although I certainly will be available, as I will be trying another zoning case before you on that date, the date is not convenient with my clients, the Maffezzolis. Therefore, we are asking that to the extent the hearing date has been scheduled for September 6, 1994, on a formal rather than tentative basis, that it be continued.

Additionally, I am delighted to inform you that I have recently met with Mr. and Mrs. James Ward, and they have retained me to represent their interests in the above matter. Therefore, consistent with an understanding that I achieved with Mr. McMahon relative to this issue, I am requesting by copy of this letter that service of process be effectuated on me on behalf of the Wards.

It is my intention to attempt to meet with various County officials, and if we are unable to resolve this matter, I will ask that the hearing be rescheduled as a result of a conference call so that no further postponements are necessary.

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AUG 31 1994
ZADM

LAW OFFICES
ANDERSON, COE & KING

JOHN F. KING
FRANK J. VECILLA
ROBERT W. SOUSE, JR.
JAMES S. MAFFITT
E. DALE ADKINS, III
JAMES A. ROTHSCCHILD
N. BRADLEY HALLWIG
J. MICHAEL SLOANEKER
G. WACI NELSON
JEANETTE A. PLANTE
PATRICIA M. O'CONNOR

CABLE ADDRESS
ANDCO
FAX DIRECT DIAL
(301) 752-0085

SUITE 2000
CENTRAL SAVINGS BANK BUILDING
201 N. CHARLES STREET
BALTIMORE, MARYLAND 21201
AREA CODE 301-752-1530

G. C. ANDERSON
(1936-1989)
COUNSEL
WARD & COE, JR.

December 1, 1988

Baltimore County Board of Appeals
County Office Building
Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing
N & S/S Belmont Road, 1900' W of
Tuition Road
4th Election District, 3rd
Councilmanic District
JAMES J. WARD, III - Petitioner
Case No.: 89-32-SPH

Dear Board:

I have just received a copy of Mr. Haines' letter to the Board, dated November 1, 1988, which has my incorrect address. Please note my correct address on my letterhead.

Very truly yours,

Nancy Nelson

GWN/js

cc: C. Laurence Jenkins, Jr., Esquire
cc: People's Counsel of Baltimore County

RECEIVED
DEC 1 1988
ZADM

LAW OFFICES
ANDERSON, COE & KING
SUITE 2000
CENTRAL SAVINGS BANK BUILDING
201 N. CHARLES STREET
BALTIMORE, MARYLAND 21201
AREA CODE 301-752-1830
CABLE ADDRESS: ARKO
FAX DIRECT DIAL: (301) 752-0085
JOHN F. KING
FRANK J. VECILLA
ROBERT H. BOUSE, JR.
JAMES S. MAFFITT
E. DALE ADKINS, III
JAMES A. ROTHCHILD
M. BRADLEY HALLWIG
J. MICHAEL SLOANEK
G. MACY NELSON
JEANETTE A. PLANTE
PATRICIA M. O'CONNOR
E. PHILIP FRANK, III
LYNNE B. MALONE
T. MICHAEL PRESTON
FAITH E. THOMAS
GREGORY L. VANGESON
PHILIP C. JACOBSON
BURTON H. LEVIN
WENDY L. SHIFF
MELISSA J. MULLADY
CONSTANCE D. BURTON
BARBARA MCC. STANLEY

August 4, 1988

Ms. Ann Nasgartowicz
Deputy Zoning Commissioner
Baltimore County
Office of Planning & Zoning
Towson, MD 21204

Re: Case No. 89-52-SPH
Sagamore Farms

Dear Deputy Commissioner Nasgartowicz:

You conducted a special hearing in the above-captioned case on August 4, 1988. In the event that you grant the petition (which of course we strongly oppose), I respectfully request that you stay the issuance of any building permit pending the 30 day appeal period. I am making this request even though you have not yet ruled because the notice of hearing indicates that this request must be in writing and received by the date of the hearing.

Very truly yours,
G. Macy Nelson

GMN/jz
cc: C. Lawrence Jenkins
540 E. Belvedere Avenue
Baltimore, MD 21212

MICROFILMED

LAW OFFICES
ANDERSON, COE & KING
SUITE 2000
CENTRAL SAVINGS BANK BUILDING
201 N. CHARLES STREET
BALTIMORE, MARYLAND 21201
AREA CODE 301-752-1830
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MELISSA J. MULLADY
CONSTANCE D. BURTON
BARBARA MCC. STANLEY

November 9, 1988

Ms. Charlotte Radcliffe
Zoning Office
Room 113
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Radcliffe:

Enclosed please find a check in the amount of \$5.00 for costs related to forwarding a copy of the appeal notice that was filed in reference to case no. 89-52-SPH. This case related to the petition for special hearing filed by petitioner James J. Ward, III. The property in question was the N & S/S Belmont Road, 1900', W of Tuffton Road, Fourth Election District, Third Councilmanic District.

I would appreciate it if you could forward a copy of that appeal notice to my attention. Thank you for your cooperation in this matter.

Very truly yours,

Constance D. Burton
Constance D. Burton

CDB/slt
Enclosure

RECEIVED
NOV 21 1988
ZONING OFFICE

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LAW OFFICES
ANDERSON, COE & KING
SUITE 2000
CENTRAL SAVINGS BANK BUILDING
201 N. CHARLES STREET
BALTIMORE, MARYLAND 21201
AREA CODE 301-752-1830
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BURTON H. LEVIN
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CONSTANCE D. BURTON
BARBARA MCC. STANLEY

November 21, 1988

Clerk, Baltimore County Board
of Appeals
Baltimore County Office Building
Room 315
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Sagamore Farms
Case No.: 89-52-SPH

Dear Mr. Clerk:

I represent The Valleys Planning Council, Inc., 212 Washington Avenue, Towson, Maryland 21285-5402, Charles C. Fenwick, Glyndon, Maryland 21071, and other individuals who have an interest in the proposed development at Sagamore Farms. I represented my clients in the proceedings below before the Deputy Zoning Commissioner.

I am writing to expressly notify the Board that my clients wish to participate in the appeal because they have a vested interest in that portion of Baltimore County. Please notify me as their counsel of any hearing date and carbon copy me on any correspondence or notices concerning the Sagamore Farm case.

Very truly yours,
G. Macy Nelson

GMN/jz

cc: C. Lawrence Jenkins, Jr., Esquire
540 E. Belvedere Avenue, Suite 202
Baltimore, Maryland 21212

RECEIVED
NOV 21 1988
ZONING OFFICE

LAW OFFICES
ANDERSON, COE & KING
SUITE 2000
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BURTON H. LEVIN
WENDY L. SHIFF
MELISSA J. MULLADY
CONSTANCE D. BURTON
BARBARA MCC. STANLEY
MATTHEW T. ANNOTTI
HUGH CROPPER, IV
DEBRA L. WYNN

April 4, 1989

HAND DELIVERED VIA CARL'S MESSENGER

Ann M. Nastarowicz
Deputy Zoning Commissioner
for Baltimore County
Office of Planning & Zoning
111 W. Chesapeake Avenue
Room 109
Towson, Maryland 21204

In Re: Sagamore Farms
Case No.: 89-52-SPH

Dear Ms. Nastarowicz:

The above-captioned case was scheduled to be heard before you on April 5, 1989. This letter confirms that on April 3, 1989, your office telephoned me to advise me that the Petitioner, James Ward, had called your office to say that he was withdrawing his petition. I then asked you to hold the case in for a hearing until such time as Mr. Ward confirmed in writing that he was withdrawing his petition. You confirmed that you would. You also suggested that I telephone Mr. Ward directly (his counsel having struck his appearance) to confirm that I could at this time release the expert witnesses I had retained to testify at the hearing on April 5, 1989. I placed a call to Mr. Ward but he has not returned it.

It is my clients' position that this case should remain on the docket for April 5, 1989 until such time as the Petitioner confirms in writing that he is withdrawing his petition. In other words, we object to any postponement. In the event that

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C. LAURENCE JENKINS, JR.
ATTORNEY AT LAW
SUITE 202
540 E. BELVEDERE AVENUE
BALTIMORE, MARYLAND 21212
301-323-3616

August 15, 1988

Ms. Ann Nasgartowicz
Deputy Zoning Commissioner
Baltimore County
Office of Planning & Zoning
Towson, Maryland 21204

RE: Case No. 89-52-SPH
Sagamore Farms

Dear Deputy Commissioner Nasgartowicz:

The purpose of this letter is to correct a misstatement that I apparently made during the course of the hearing for the subject case. I believe during the course of the presentation of the applicant's case, I stated that the hillside was not used for "agricultural purposes." I believe that you shortly thereafter asked me how the land could be put in the Agricultural Easement Program if it was not used for agriculture. I do not think my answer was clear in that I was envisioning "agricultural purposes" to mean farming (i.e. growing crops) as opposed to other agricultural activities such as grazing, etc. It was later clarified by one of the opposition witnesses that the hillside is used for grazing cattle. Since this was a misunderstanding on my part, I would appreciate your admitting this clarification as part of the record of the case which is currently pending before you.

I have notified Mr. Nelson of my intention to submit this letter.

Very truly yours,
C. Lawrence Jenkins, Jr.

CLJ/sm

MICROFILMED

C. LAURENCE JENKINS, JR.
ATTORNEY AT LAW
SUITE 202
540 E. BELVEDERE AVENUE
BALTIMORE, MARYLAND 21212
301-323-3616

September 29, 1988

Ms. Charlotte Radcliffe
Office of Planning & Zoning
County Office Building
Towson, Maryland 21204

RE: Notice of Appeal
N and S/S of Belmont Road
1900' W of Tuffton Road
James J. Ward, III - Petitioner
Case No. 89-52-SPH

Dear Ms. Radcliffe:

Enclosed please find a Notice of Appeal in the subject case, along with a check in the amount of \$105.00 which is the cost of the appeal and two signs. Please notify me of any other requirements and, if possible, an approximate date for the hearing.

Very truly yours,
C. Lawrence Jenkins, Jr.

Enclosure
CLJ/sm

RECEIVED ZONING OFFICE
DATE: 9-30-88
(ak - av)

MICROFILMED

C. LAURENCE JENKINS, JR.
ATTORNEY AT LAW
SUITE 202
540 E. BELVEDERE AVENUE
BALTIMORE, MARYLAND 21212
301-323-3616

February 1, 1989

County Board of Appeals
of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Attention: June Holmen

Re: James J. Ward, III
Case No. 89-52-SPH

Dear M's Holmen:

My name appears as counsel for the Petitioner in the subject case. Based on discussions with Mr. Ward, I wish to withdraw my appearance. Mr. Ward has indicated to me that he is obtaining other counsel for his appeal which is scheduled for Tuesday, February 14, 1989.

Very truly yours,
C. Lawrence Jenkins, Jr.

CLJ/sm
cc: James J. Ward, III
G. Macy Nelson, Esq.

MICROFILMED

C. LAURENCE JENKINS, JR.
ATTORNEY AT LAW
SUITE 202
540 E. BELVEDERE AVENUE
BALTIMORE, MARYLAND 21212
301-323-3616

February 10, 1989

County Board of Appeals
of Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Attention: June Holmen

Re: James J. Ward, III
Case No. 89-52-SPH

Dear M's Holmen:

After further discussions with the Petitioner in this case, I am reentering my appearance. I am also enclosing a Summons to Witness which I will be serving on Mr. Criss prior to the hearing on Tuesday.

Very truly yours,
C. Lawrence Jenkins, Jr.

CLJ/sm
James J. Ward, III
G. Macy Nelson, Esq.

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RECEIVED
COUNTY BOARD OF APPEALS
89 FEB 14 PM 12:48

MICROFILMED

IMPORTANT MESSAGE

FOR ANN

DATE 3/4/89 TIME 1:49 A.M. P.M.

WHILE YOU WERE OUT

M Masey Nelson

OF 752-1630

PHONE NO. 752-1630

TELEPHONED ☐ PLEASE CALL ☐

CALLED TO SEE YOU ☐ WILL CALL AGAIN ☐

WANTS TO SEE YOU ☐ RUSH ☐

RETURNED YOUR CALL ☐

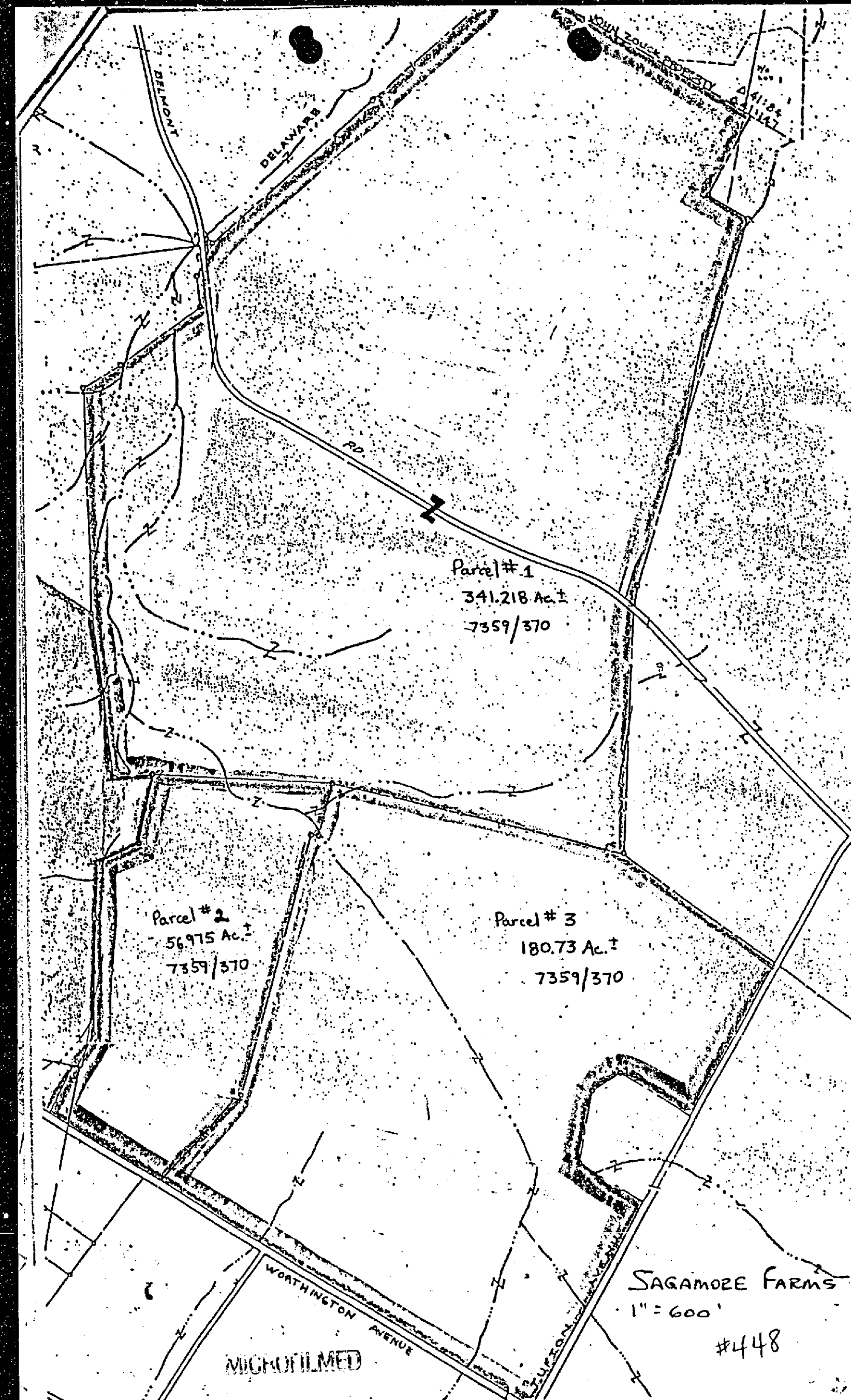
MESSAGE Re: Sagamore Farms

SIGNED _____

11/25/88

Thomas M. Jones, 4722 Rindler Rd, Glyndon 21071
 James D. Jones, 3741 Butler Rd, Glyndon, 21071
 Frank & Helen Borsal, 14014 Mantua Mill Rd, Glyndon, 21071
 George P. Mahoney, Jr, 13634 Longnecker Rd, Glyndon 21071, MD.
 C. H. Hanson, 14045 Mantua Mill Rd, Glyndon, Md. 21071
 Edie Borsal Ransom, 14045 Mantua Mill Rd, Glyndon, Md 21071
 Edith Reed Borsal, 14045 Mantua Mill Rd, Glyndon, Md 21071
 David S. Borsal
 Joan M. H. Borsal, 13801 Mantua Mill Rd - 21071
 Iva Gillet, 114300 Green Rd. 21071
 R. W. Borsal, 3939 Butler Rd. 21071
 C. S. T. Jenkins, 12606 Garrison Forest Rd 21117
 Elizabeth J. Sale, 12750 Greening Ave 21117
 William Sale, 12750 Greening Ave 21117
 Mrs. N. G. Penniman, 3rd, Park Heights Av. 21117
 Mrs. T. Courtenay Jenkins Jr., 12606 Garrison Forest Rd 21117
 John K. Shaw, 3737 Butler Rd. 21071
 Patricia S. Shaw, 3737 Butler Rd. 21071
 Michael Kuper, 2016 Gust Road 21071
 Harold W. Gardner, 13500 Longnecker Rd, Glyndon 21071
 Ann Yellott, 1332 Ivy Hill Rd, Cockeysville 21030
 Charles C. Owens, 13304 Longnecker Rd, Glyndon, MD
 Rosalie Fenwick, 3302 Belmont Rd, Glyndon 21071
 Patricia H. Fenwick, 3302 Belmont Rd, Glyndon, Md 21071

MICROFILMED



CONDITIONS OF SALE

SAGAMORE FARMS

1. The property is to be deed restricted to one house.
2. The property is to be restricted under the Agricultural Program.
3. Approval by seller of site location for the new house and sign off on design approval.
4. Easement to be given to Green Spring Valley Hunt Club for fox hunting.
5. The back parcel to remain as a forest.

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**PETITIONER'S
EXHIBIT 2**

**PETITIONER'S
EXHIBIT 3**

**ILLUSTRATIVE PLAN
SAGAMORE FARMS
MONTMORENC**

Daft · McCune · Walker Inc.
Land Planning Consultant
Landscape Architect

April 1985

1" = 200'

PRINTED

NOV 23 1985

DAFT · McCUNE · WALKER, INC.

SITE

SCALE: 1" = 1000'

SITE DATA

TOTAL ACREAGE - 341 AC.
 ZONING
 RC4 - 88 AC.
 RC2 - 253 AC.

NO. LOTS ALLOWED -
 88 x .2 - 17
 253 / 50 - 5
 TOTAL - 22

NO. LOTS PROPOSED -
 RC4 - (LOTS 4 & 6) 2
 RC2 - (LOTS 1, 2, 3, 5 & 7) 5
 TOTAL 7

SPECIAL HEARING ISSUE:

PROPOSED 7 LOT SUBDIVISION
 WILL NOT BE IN CONFLICT WITH
 ZONING POLICY RSD-5 WITH
 REGARD TO PROPOSED LOTS 4 & 6.

WARD
 7359/370

PREPARED BY:

AZIMUTH CONSULTANTS
 120 COCKEYSVILLE ROAD
 SUITE 105
 HUNT VALLEY, MD. 21031
 PHONE: (301) 785-2300

ZONING PLAT
 FOR
 SPECIAL HEARING
 SAGAMORE FARMS

4TH ELECTION DISTRICT
 BALTIMORE COUNTY, MD.

SCALE: 1" = 200' DATE: JUNE 10, 1988
 REVISED: JULY 1, 1988

PETITIONER'S
 EXHIBIT 1

MICROFILMED

OWNER:
 JAMES WARD III
 540 E. BELVEDERE AVE.
 BALTIMORE, MD. 21212

DEED REFERENCE:
 S.M. 7359/370, 1ST PARCEL



ELK RIDGE WORTHINGTON, INC.
 4011/360

BRITT
 6562/812

WINKENWERDER
 2552/441



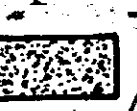

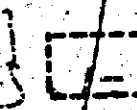
ZOUCK
 441/84

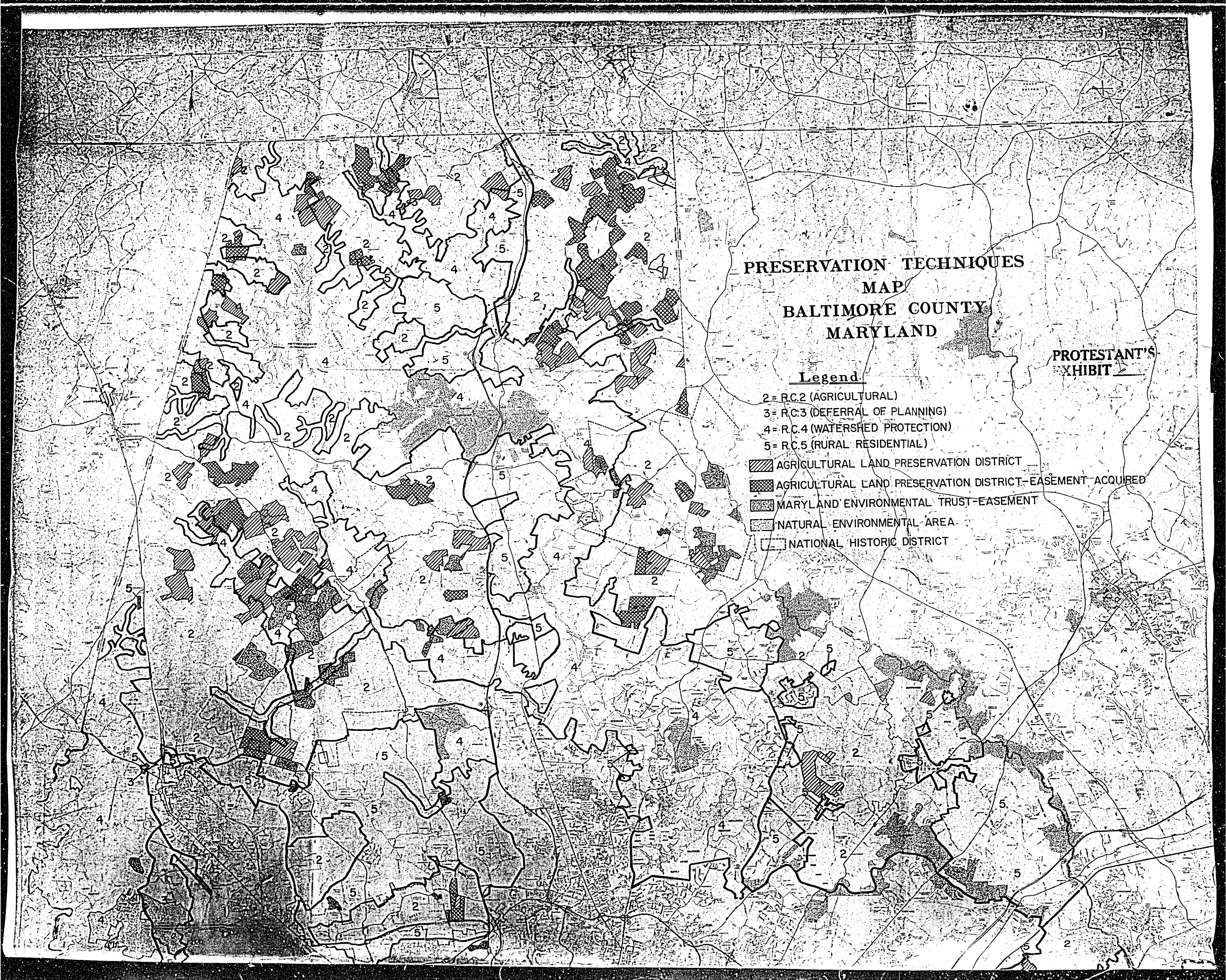
FENWICK
 3075/252

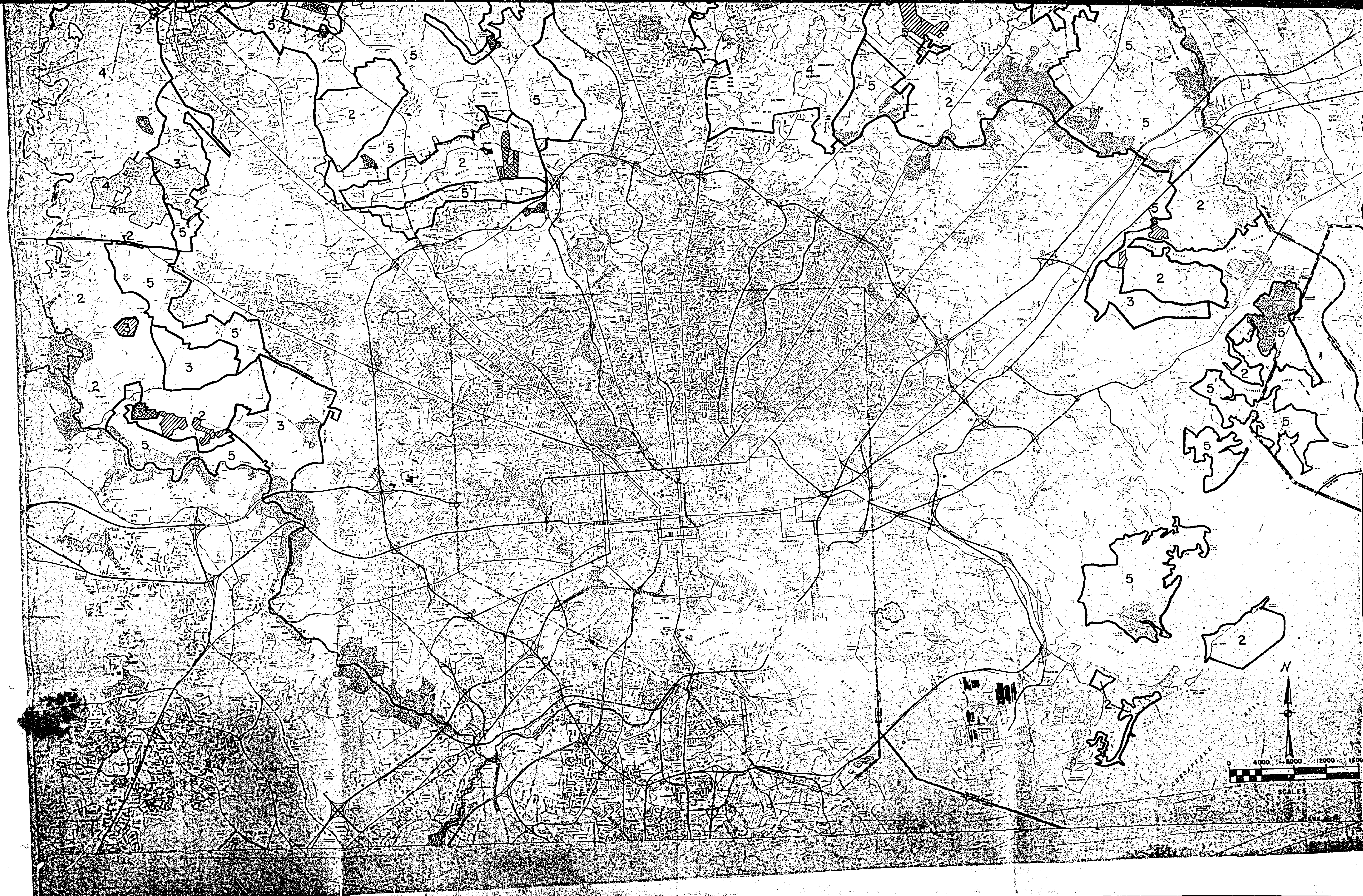
**PRESERVATION TECHNIQUES
MAP
BALTIMORE COUNTY
MARYLAND**

**PROTESTANT'S
EXHIBIT**

Legend

- 2= R.C.2 (AGRICULTURAL)
- 3= R.C.3 (DEFERRAL OF PLANNING)
- 4= R.C.4 (WATERSHED PROTECTION)
- 5= R.C.5 (RURAL RESIDENTIAL)
-  AGRICULTURAL LAND PRESERVATION DISTRICT
-  AGRICULTURAL LAND PRESERVATION DISTRICT-EASEMENT ACQUIRED
-  MARYLAND ENVIRONMENTAL TRUST-EASEMENT
-  NATURAL ENVIRONMENTAL AREA
-  NATIONAL HISTORIC DISTRICT





nation, Mr. Linsenmeyer conceded he had not spoken to any neighbors regarding the effect they perceived the proposed development might have upon them and/or agricultural preservation.

The main thrust of the Protestants' argument was Petitioner had failed to meet its burden and any development of the subject property would have an adverse impact on the agricultural uses of the adjoining properties. Since Petitioner had failed to show how the proposed development was in keeping with the spirit and intent of the R.C. 2 regulations as enunciated in the Baltimore County Zoning Regulations (B.C.Z.R.), Protestants posited the Petition must be denied.

Protestants perceived the development as being disruptive to their surrounding agricultural uses and to the historic and agricultural preservation of Sagamore Farms. Protestants referred to the comments of the Office of Planning filed in this case which conclude that the proposed plan does not preserve the maximum acreage possible for agricultural use. The Office of Planning indicated its opposition to the granting of this Petition. Protestants presented other concerns regarding the development of the property, including but not limited to, the inability of the Petitioner to develop the property as proposed due to its steep and hilly nature. To support their position, the following is a brief summary of the witnesses and their testimony.

Mr. Bruce Fenwick testified that his family owns Belmont Farms which is contiguous to the property east of Sagamore Farms. Mr. Fenwick testified Belmont Farms consists of 320 acres, plus or minus, wherein the principal income is raising livestock. Mr. Fenwick further indicated in his opinion the proposed development would adversely affect the farming

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community and would be detrimental to the vicinity. In his opinion, the pollution of area streams will result, the water supply will be low, and erosion will occur. He further contended with the development of residential subdivisions in the vicinity, dogs will follow. In the past, dogs from neighboring residences have chased and killed livestock and generally have adversely affected the raising of livestock and horses.

Mr. John Martin testified in protest and indicated his family owns a thoroughbred horse breeding farm, consisting of 605 acres, on the southeast side of Sagamore farms. He testified the horse breeding industry is the third largest industry in Maryland. He revealed his farm, known as Worthington Farms, has been in the family, except for a brief period, since 1936 and he has been in charge of the farm since 1969. Mr. Martin testified in his opinion subdivisions and farming do not mix and the addition of dogs and children in the neighborhood would have an adverse impact on his farm and surrounding farms. Upon cross examination, Mr. Martin indicated currently on his property there are six dwellings in which he, his family and various employees of the farm reside.

Mr. John Zouck, Sr. testified he resides in the northeast corner of Sagamore Farms and in combination with his sister, owns 110 acres. He testified that in his opinion, the proposed development will adversely affect the wild waterfowl preservation habitat he has set up adjacent to the proposed development.

Jeremy Criss with the Baltimore County Department of Environmental Protection and Resource Management, Water Quality Division, was called by Counsel for the Protestants to give a brief overview of the dedication of surrounding and adjoining pieces of property to both County and State agricultural preservation programs. Many of the property owners in the

MICROFILMED-5-

Valley, including Petitioner, have placed land into the various programs. Testimony indicated no part of the land in question has been dedicated to any agricultural preservation program. No testimony was brought out either direct or by cross-examination which shed any light on the issue of the value of proposed lots 1 through 6 to the agricultural preservation program.

By proffer of Counsel, the Valley Planning Council's opposition to the request was noted.

Counsel for Protestants asked that any building permits be stayed pending the thirty-day appeal process in the event Petitioner's request is granted.

Protestants claimed that the Petitioner proposes an improper transfer of density units. Protestants argued the proposed development should not be permitted since the acreage on the north side of Belmont Road consists of not more than 152 acres in the R.C. 2 zoned portion and as such, does not permit more than three density units pursuant to Section 1A01.3B1 of the B.C.Z.R. Protestants contend to allow more would result in a "transfer" of density which can only be done when a property owner proves that such "transfer" promotes agricultural preservation and meets the spirit and intent of the R.C. regulations.

The issues presented in the Petition are three-fold. First, Petitioner requests approval to include R.C. 2 zoned property in Lots 4 and 6 which requires a finding that no greater density units than permitted will be created; second, a determination as to whether or not the proposed plan results in a reconfiguration of density; and third, if there is a reconfiguration of density units, has Petitioner met his burden of proving said reconfiguration should be permitted as the plan meets the

MICROFILMED -6-

spirit and intent of the B.C.Z.R. in that it promotes agricultural preservation and provides for orderly development that is compatible with such uses.

In examining these issues in similar factual situations, it should be noted that it has been the policy of the Zoning Commissioner to require the property owner file a Petition for Special Hearing. It has been the longstanding policy of the Zoning Commissioner to permit reconfiguration of density units from one lot of record to another, or to permit clustering of density units in the R.C. zones, but only after public hearing. See In Re: Petition for Special Hearing, the Salvation Army, Case No. 86-286-SPH, and In re: Petition for Special Hearing, Gadd Road Realty Corp., et al, Case No. 88-347-SPH. It is equally clear that in each case, the public hearing has been held to permit a petitioner an opportunity to present his case which must evidence his request complies with the legislative intent of the County Council in its establishment of the rural conservation zones, which is clearly spelled out in Section 1A01.1A and B of the Baltimore County Zoning Regulations (B.C.Z.R.).

The purposes of the R.C. zones as set forth in Section 1A00.2 are to:

- discourage present land use patterns of development and to create a framework for planned or orderly development; (Bill No. 98, 1975.)
- provide sufficient and adequate areas for rural-suburban and related development in selected and suitable areas; (Bill No. 98, 1975.)
- protect both natural and man-made resources from compromising effects of specific forms and densities of development; (Bill No. 98, 1975)
- protect areas desirable for more intensive future development by regulating undesirable forms of development within these areas until such time as intensive development commences; (Bill No. 98, 1975);

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-7-

- help achieve the goals of the Chesapeake Bay Critical Area Law by enacting land use policies to control development within the critical area by conserving the land and water resource base for agriculture, forestry and other natural resource uses; minimizing adverse effects on water quality; and conserving fish, wildlife and plant habitat. (Bill No. 32, 1988).

The cases clearly state this is not an easily accomplished task and the burden is on a petitioner to prove that the proposed transfer and/or reconfiguration would not be incompatible with agricultural uses. See In re: Petition for Special Hearing, John B. Merryman, Case No. 85-281-SPH, and In re: Petition for Special Hearing, Gadd Road Realty Corp., et al, Case No. 88-347-SPH.

The issues presented cannot be properly addressed since the record is devoid of any testimony or documentation regarding the title history of the 341 acre parcel since November 25, 1979, the effective date of Bill No. 178-79 which controls the subdivision of lots of record in the R.C. zones (See Sections 1A01.3B and 1A03.4B of the B.C.Z.R.). Without knowing the origin of the 341 acres and its history a determination if the issues cannot be made as there is the possibility, there has been a subdivision of the property which may or may not affect the issues and the use of the density units.

Further, Petitioner has failed to meet his burden of proving the proposed plan meets the spirit and intent of the R.C. zones as enunciated in the B.C.Z.R. and that the plan promotes agricultural conservation. Testimony indicated Lots 4 and 6 were proposed to give each property owner more control over adjoining property. No testimony was introduced as to the value of Lots 1 through 6 for agricultural uses after development. If the size of the lots were chosen to facilitate agricultural use, no testimony to that effect was introduced. This cannot be assumed.

MICROFILMED

-8-

Mr. Linsenmeyer testified the plan was presented in such a fashion as to "leave the historic farm in tact as much as possible." The original plat submitted by Petitioner, however, proposed 6 lots and reserved 241 acres for the continuation of the horse farming operation. No testimony was presented as to how Petitioner could have otherwise subdivided the property. Petitioner has failed to present any evidence as to the value of the R.C. 4 density units south of Belmont Road. The R.C. 4 property may or may not have been practically developable. Even if it were not, Petitioner's case would not necessarily fail.

Clearly, the R.C. 2 zone was established to curb urban intrusion into productive agricultural areas that not only destroy the specific area on which the development occurs but tends to be incompatible with agricultural use of the surrounding area. (See Section 1A01.A.1.d of the B.C.Z.R.) Protestants' testimony in support of denying Petitioner's request is founded on the basis of this Section. This argument is well-taken.

The reason for denying the Petition is based on the fact that the Petitioner has failed to meet his burden. When objections to the hearsay and the inconclusive nature of Mr. Linsenmeyer's testimony were raised and an inquiry made as to whether Petitioner would be called as a witness, Counsel for Petitioner indicated Petitioner was out of town and was unable to appear. Petitioner's testimony may well have filled the gaps discussed herein. No continuance was requested and no request for an opportunity to hold an additional hearing was made. Subsequent to the hearing, an offer was made to produce additional evidence and/or clarify the inconsistent testimony presented at the hearing. However, in light of the fact that the request was not made at the hearing and the record was

MICROFILMED

-9-

closed, the decision must be made solely on the evidence presented at the hearing.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of September, 1988 that the Petition for Special Hearing to approve the proposed seven-lot subdivision, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED, from and after the date of this Order.

AMN:bjs

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

MICROFILMED

-10-

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

September 13, 1988

C. Laurence Jenkins, Jr., Esquire
540 E. Belvedere Avenue, Suite 202
Baltimore, Maryland 21212

RE: PETITION FOR SPECIAL HEARING
N and S/O of Belmont Road, 1900' W of Tufton Road
4th Election District - 3rd Councilmanic District
James J. Ward, III - Petitioner
Case No. 89-52-SPH

Dear Mr. Jenkins:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: G. Macy Nelson, Esquire,
Suite 2000, 201 N. Charles Street, Baltimore, Md. 21201

People's Counsel

File

MICROFILMED

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-52-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve _____ That the proposed 6 lot subdivision will not be in conflict with _____ Zoning Policy RSD-5 with regard to proposed Lot 4.

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____ Legal Owner(s): _____
(Type or Print Name) (Type or Print Name)
Signature _____ Signature _____
Address _____ Address _____
City and State _____ City and State _____
Attorney for Petitioner: _____
(Type or Print Name) _____
Signature _____
Address _____
City and State _____
Attorney's Telephone No.: _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 1988, at _____ o'clock _____ M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

ESTIMATED LENGTH OF HEARING: _____
AVAILABLE FOR HEARING: _____
MON./TUES./WED. - NEXT TWO MONTHS
OTHER: _____
REVIEWED BY: _____ DATE: _____

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 4th Date of Posting: July 14, 1988
Posted for: Special Hearing
Petitioner: James J. Ward, III
Location of property: N. S. side of Belmont Rd., 1900' W. of Tipton Rd.
Location of Sign: North side Belmont Rd. approx. 1950' west of Tipton Rd.
Remarks: _____
Posted by: S. J. Grata Date of return: July 26, 1988
Number of Signs: _____

MICROFILMED

AC AZIMUTH CONSULTANTS

ZONING DESCRIPTION SAGAMORE FARMS

Beginning at a stone at the end of the fifth line of the tract of land which by deed dated March 22, 1899 and recorded among the Land Records of Baltimore County in Liber N B M No. 237 folio 232 was conveyed by Sallie H. Conrad et al, to one Albert W. Fuss and wife and running thence on the outlines thereof the eleven following courses and distances: south eighty-five and one-half degrees west two hundred and fifty-four feet to a stone; north twenty-four degrees west ten hundred and forty feet to a post; north two and one-half degrees east thirteen hundred and fifty-three feet to a stone; north fifty-five and three-quarters degrees east two hundred and fifty-eight feet to a white oak tree; north fifty and one-half degrees east six hundred and twenty feet to a post on the southwest side of a road known as Belmont Road; thence on said southwest side north seventeen degrees west one hundred and seventy-eight feet to a stake; thence crossing said road north twenty-four and one-half degrees east two hundred and twenty-three feet to a stake on the northeast side of said road; north forty-four and one-half degrees east thirteen hundred and thirty feet to a white oak tree heretofore marked; still north forty-four and one-half degrees east eleven hundred and _____

120 Coedysville Road / Suite 105 / Hunt Valley, Maryland 21031 / (301) 785-2300

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD., July 14, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on _____ July 14, 1988

THE JEFFERSONIAN,
S. Zebe Orman
Publisher

33.75

MICROFILMED

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 4th Date of Posting: November 7, 1988
Posted for: Appeal
Petitioner: James J. Ward, III
Location of property: N. S. side of Belmont Rd., 1900' W. of Tipton Rd.
Location of Sign: North side of Belmont Rd. approx. 1950' west of Tipton Rd.
Remarks: Appeal on file 7/17/88
Posted by: S. J. Grata Date of return: November 18, 1988
Number of Signs: _____

MICROFILMED

thirty-three feet to a stone; south sixty-five and one-half degrees east ten hundred and sixteen feet to the southwest side of a large hickory tree; still south sixty-five and one-quarter degrees east seven hundred and eleven feet to a stone marked No. 4; thence south twenty-four and three-quarters degrees west five hundred and seventy feet to a small stone about two feet northeast of a hickory tree; said stone being a corner of a tract of land which by deed dated April 7, 1897 and recorded among the Land Records of Baltimore County in Liber L M B No. 223 folio 325 was conveyed by D. G. McIntosh, Trustee to the said Albert W. Fuss; thence reversing the eleventh line thereof south sixty-six and two thirds degrees east two hundred and seventy-two feet to a post on the southwest side of a blazed poplar tree; thence south thirteen degrees west four hundred and forty-seven feet to a marked poplar tree; still south thirteen degrees west eighteen hundred and fifty feet to a post; thence south one-half of a degree east fifteen hundred and seventy-nine feet to a stone at the end of the eighteenth line of said parcel of ground conveyed by McIntosh Trustee to Fuss; thence reversing said line north eighty-two and three-quarters degrees west eighteen hundred and fifty-two feet to a stone at the end of the

MICROFILMED

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 4th Date of Posting: 3-17-89
Posted for: Special Hearing
Petitioner: James J. Ward, III
Location of property: N. S. side of Belmont Road, 1900' W. of Tipton Rd.
Location of Sign: South side of Belmont Road near "Track"
Remarks: _____
Posted by: Frank M. D. Myle Date of return: _____
Number of Signs: _____

MICROFILMED

89-54-A BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Your petition has been received and accepted for filing this 29th day of June, 1988.

Petitioner: James J. Ward, III
Petitioner's Attorney: _____

Received by: James E. Dyer
Chairman, Zoning Advisory Committee

sixth line of a parcel of ground which by deed dated March 30, 1899 and recorded among the Land Records of Baltimore County in Liber N B M No. 237 folio 311 was conveyed by the said Albert W. Fuss and wife to Charles A. Councilman; thence reversing said line south eighty-eight and one-quarter degrees west eleven hundred and twenty-three feet to the place of beginning. Containing three hundred and forty-one acres and thirty-five square perches of land more or less.

MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 52440
DATE: 4/12/89 ACCOUNT: 21443
AMOUNT: \$ 122.00
RECEIVED FROM: GUNDER INC.
FOR: Filing fee for Special Hearing #448
B 0113*****1002028 146F
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 52885
DATE: 8/4/88 ACCOUNT: ROLKISCO
AMOUNT: \$ 97.19
RECEIVED FROM: Carol J. Rolko
FOR: Filing fee for Special Hearing #448
B 034*****970918 146F
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 059909
DATE: 10-7-88 ACCOUNT: 001-006-6150
AMOUNT: \$ 105.00
RECEIVED FROM: LAURENCE JENYNS
340 E. BELLEVUE AVE, SUITE 202
FOR: APPEAL FILING - CASE # 89-52-SPH
JAMES J. WARD, III - PETITIONER
B 114*****1056028 216F
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 059674
DATE: 11-21-88 ACCOUNT: 001-006-6150
AMOUNT: \$ 200.00
RECEIVED FROM: JAMES J. WARD, III
FOR: APPEAL FILING - CASE # 89-52-SPH
JAMES J. WARD, III - PETITIONER
B 111*****0122221
VALIDATION OR SIGNATURE OF CASHIER

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Law and Regulations of Baltimore County, will hold a public hearing on the property addressed herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland, as follows:
Petition for Special Hearing of Case number: 89-52-SPH
N. S. side Belmont Road, 1900' W. Tipton Road
3rd Councilmanic District
Petitioner: James J. Ward, III
Hearing Date: Thursday, August 4, 1988 at 10:30 a.m.
Special Hearing: That the proposed 6 lot subdivision will not be in conflict with Zoning Policy RSD-5 with regard to proposed Lot 4.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the execution of said permit during the period for appeal as shown. Such request must be in writing and received in this office by the date of the hearing as above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
7/16 July 16

UNITY NEWSPAPERS OF MARYLAND, INC.

Westminster, Md., July 14, 1988
I/We do hereby certify that the annexed Reg. # M15085, P.O. # 02591 (1) _____ was published in the _____ of July _____, 1988, in the _____ County Times, a daily newspaper published in Westminster, Carroll County, Maryland, _____ News, a weekly newspaper published in Baltimore County, Maryland, _____ Times, a weekly newspaper published in Baltimore County, Maryland, _____

Per: _____

MICROFILMED

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Mr. James J. Ward, III
540 E. Belvedere Avenue
Baltimore, Maryland 21212

Re: Petition for Special Hearing
CASE NUMBER: 89-52-SPH
N & S Side Belmont Road, 1900' W Tufton Road
4th Election District - 3rd Councilmanic
Petitioner(s): James J. Ward, III
HEARING SCHEDULED: THURSDAY, AUGUST 4, 1988 at 10:30 a.m.

Dear Mr. Ward:

Please be advised that \$72.09 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:gs
cc: File

Ward J. Ward, III

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Mr. James Ward, III
540 E. Belvedere Avenue
Baltimore, Maryland 21212

Re: Zoning Petition
Case Number: 89-52-SPH

Dear Mr. Ward:

Please be advised that \$15.00 is due for re-posting of the above-referenced property. Do not remove the sign(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please bring the sign(s) and post(s) to 111 W. Chesapeake Avenue, Room 111, County Office Building, Towson, Maryland, along with your check made payable to Baltimore County, Maryland on the day of the hearing.

Very truly yours,

J. ROBERT HAINES,
Zoning Commissioner of
Baltimore County

MICROFILMED

JRH:gs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

March 3, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
N & S Side of Belmont Road, 1900' W of Tufton Road
4th Election District - 3rd Councilmanic
Petitioner(s): James J. Ward, III
HEARING SCHEDULED: WEDNESDAY, APRIL 5, 1989 at 9:30 a.m.

Special Hearing: That the proposed 6 lot subdivision will not be in conflict with Zoning Policy R50-5 with regard to proposed Lot 4.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: C. Laurence Jenkins, Jr., Esq.
Airmuth Consultants
G. Macy Nelson, Esq.
File

MICROFILMED

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
CASE NUMBER: 89-52-SPH
N & S Side Belmont Road, 1900' W Tufton Road
4th Election District - 3rd Councilmanic
Petitioner(s): James J. Ward, III
HEARING SCHEDULED: THURSDAY, AUGUST 4, 1988 at 10:30 a.m.

Special Hearing: That the proposed 6 lot subdivision will not be in conflict with Zoning Policy R50-5 with regard to proposed Lot 4.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

MICROFILMED



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-3180

November 14, 1988
NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 89-52-SPH JAMES J. WARD, III
N & S Belmont Rd., 1900' W Tufton Rd.
4th Election District
SPH-6 lot subdivision (Sagamore Farms)
9/13/88 - Z. C.'s Order - Denied

ASSIGNED FOR: TUESDAY, FEBRUARY 14, 1989, at 10 a.m.
cc: C. Laurence Jenkins, Jr., Esq. Counsel for Petitioner

Bernard Linsenmeyer
G. Macy Nelson, Esq. Counsel for Protestants
People's Counsel
Arnold Jablon, Esq. Law Office
P. David Fields Planning
Patrick Keller
Robert Haines Zoning Office
Ann Nastarowicz
James Dyer
Docket Clerk
James J. Ward, III Petitioner

MICROFILMED

June Hansen, Secretary

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 26, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. James J. Ward, III
540 East Belvedere Avenue
Baltimore, Maryland 21212

RE: Item No. 448 - Case No. 89-94-A
Petitioner: James J. Ward, III
Petition for Special Hearing

Dear Mr. Ward:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures

MICROFILMED

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3334

July 18, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number

391, 413, 438, 439, 442, 443, 444, 446, 447, 448, 450, 451, 452, 453, 454, 455, 456, and 457.

Very truly yours,

Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEW/RF/cps

MICROFILMED

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4300

Paul H. Reincke
Chief

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: James J. Ward, III

Location: E & W/S Belmont Rd, 1900' N Tufton Road

Item No.: #448

Zoning Agenda: Meeting of June 28, 1988

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

(X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. Roads leading to Lot #2 shall be 24 ft. in width.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: C. J. Jenkins, Jr., Esq. Noted and
Planning Group Approved: John F. O'Neill
Special Inspection Division

/s/

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner Date: July 27, 1988

FROM: P. David Fields, Director Office of Planning and Zoning

SUBJECT: Zoning Petition No. 89-52-SPH

Conceptually, this office is supportive of the transfer of density within an RC 2 zone for the express purpose of preserving the maximum acreage possible for agricultural use. Earlier proposals by the developer are not in agreement with the plan submitted with the petition. The current plan, in that it separates the source of water supply and a number of the existing farm buildings from the acreage on the south side of Belmont Road that is to remain in agricultural use, does not preserve the maximum acreage possible for agricultural use. Therefore, this office is opposed to the granting of the subject petition.

P. David Fields per J. H. Haines
P. David Fields, Director
Office of Planning and Zoning

PDF/jat
cc: Shirley Hess, People's Counsel
J. G. Hoswell
Zoning File

RECEIVED
JUL 28 1988

ZONING OFFICE

MICROFILMED

CPS-008



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

January 20, 1989

Mr. William P. Baker
10 Charles Plaza, Suite 200
Baltimore, MD 21201-4299

Re: Case No. 89-52-SPH
James J. Ward, III

Dear Mr. Baker:

In response to your request, enclosed is a copy of the Order of the Deputy Zoning Commissioner dated September 13, 1988 in the subject case. Also enclosed is a copy of the Notice of Appeal to the County Board of Appeals which was filed by Counsel for the Petitioner.

As I mentioned to you in our telephone conversation, this case is scheduled for hearing before the Board on Tuesday, February 14, 1989 at 10:00 a.m.

Very truly yours,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Secretary

Encls.



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

January 27, 1989

Mr. William A. Irwin
603 W. Joppa Road
Towson, MD 21204

Re: Case No. 89-52-SPH
James J. Ward, III

Dear Mr. Irwin:

In response to your telephone request, enclosed is a copy of the Deputy Zoning Commissioner's Order regarding the subject case. Also enclosed is a copy of the Petition for Special Hearing.

Sincerely,

Kathleen C. Weidenhammer
Administrative Secretary

Encls.

MICROFILMED

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

July 15, 1988
Date

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 448, Zoning Advisory Committee Meeting of June 25, 1988

Property Owner: *James J. Ward, III*

Location: *EW 15 Belmont Rd.* District *4*

Water Supply *private* Sewage Disposal *private*

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation before work begins.
- () A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhaust into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appendages pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Material and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to raising of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768 regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
- () Soil percolation tests, have been ☒ must be ☒ conducted.
- () The results are valid until ☒
- () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test ☒ shall be valid until ☒
- () is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- () Others

MICROFILMED

BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

November 1, 1988



Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing
N & S/S Belmont Road, 1900' W of Tufton Road
4th Election District, 3rd Councilmanic District
JAMES J. WARD, III - Petitioner
Case No. 89-52-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on September 30, 1988 by C. Laurence Jenkins, Jr., Attorney on behalf of Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: C. Laurence Jenkins, Jr., Attorney at Law,
Suite 202, 540 E. Belvedere Avenue, Balto., Md. 21212

Bernard Linsenmeyer, Aizmath Consultants
120 Cockeysville Road, Suite 105, Hunt Valley, Md. 21031

G. Macy Nelson, 2000 N. Charles Street, Balto., Md. 21201
(Attorney on behalf of Protestants)

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

MICROFILMED

APPEAL

Petition for Special Hearing
N & S/S Belmont Road, 1900' W of Tufton Road
4th Election District - 3rd Councilmanic District
JAMES J. WARD, III - Petitioner
Case No. 89-52-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1. Zoning Plat for Special Hearing
"Sagamore Farms"
2. Copy of "Conditions of Sale" of
Sagamore Farms
3. Illustrative Plan "Sagamore Farms"

Protestant's Exhibits: 1. Preservation Techniques Map "Balto. Co."

Zoning Commissioner's Order dated September 13, 1988 (Denied)

Copy of letter correcting misstatement by C. Laurence Jenkins, Jr.
during the course of the hearing.

Notice of Appeal received September 30, 1988 from C. Laurence Jenkins,
Jr., Attorney on behalf of Petitioner

cc: C. Laurence Jenkins, Jr., Attorney at Law,
Suite 202, 540 E. Belvedere Avenue, Balto., Md. 21212

Bernard Linsenmeyer, Aizmath Consultants
120 Cockeysville Road, Suite 105, Hunt Valley, Md. 21031

G. Macy Nelson, 2000 N. Charles Street, Balto., Md. 21201
(Attorney on behalf of Protestants)

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Docket Clerk

MICROFILMED

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
N & S/S Belmont Road, 1988' * DEPUTY ZONING
W of Tufton Road *
4th Election District * COMMISSIONER OF
3rd Councilmanic District * BALTIMORE COUNTY
James J. Ward, III *
Petitioner *

NOTICE OF APPEAL

Please note an appeal in the subject case, on behalf of the
Petitioner, James J. Ward, III, to the Findings of Fact and
Conclusions of Law issued by the Deputy Zoning Commissioner dated
September 13, 1988.

C. Laurence Jenkins, Jr.
C. Laurence Jenkins, Jr.
Suite 202
540 E. Belvedere Avenue
Baltimore, Maryland 21212
(301) 323-3616

Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this *30th* day of September, 1988,
a copy of the foregoing Notice of Appeal was mailed, postage
prepaid, to G. Macy Nelson, Esquire, Anderson Coe & King, Suite
2000, 201 N. Charles Street, Baltimore, Maryland.

C. Laurence Jenkins, Jr.
C. Laurence Jenkins, Jr.

RECEIVED ZONING OFFICE
DATE: *9-30-88*
cw (cc)

MICROFILMED



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

April 20, 1989

C. Laurence Jenkins, Jr., Esquire
Suite 202, 540 E. Belvedere Avenue
Baltimore, MD 21212

Re: Case No. 89-52-SPH
James J. Ward, III

Dear Mr. Jenkins:

On February 16, 1989, this Board in open hearing remanded
to the Baltimore County Zoning Commissioner Case No. 89-52-SPH in
light of the fact that the original proposal was amended.

As evidenced by an Order from the Deputy Zoning Commissioner
dated April 5, 1989, Petitioner has withdrawn his request in this
matter. It is the Board's opinion that at this time no appeal exists
and therefore this case will be closed.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

WTH:kcw

Attachment

cc: Mr. James J. Ward, III
G. Macy Nelson, Esquire
People's Counsel for Baltimore County
Mr. Bernard Linsenmeyer
Mr. William P. Baker
Ms. Jean Dewey
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk - Zoning
Arnold Jablon, County Attorney

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